

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**IRIS KITCHEN, DIAMONIQUE  
FRANKLIN, and ROSIE JONES,**

**Plaintiffs,**

**vs.**

**DSNO, Developmental Services of Nebraska  
Community Support Center, AUTISM  
CENTER OF NEBRASKA, OMNI  
BEHAVIOR, and ANGIE MITCHELL,**

**Defendants.**

**8:19CV107**

**ORDER**

This matter is before the Court on Plaintiff Iris Kitchen’s “Motion to Request Hearing for Production of Documents.” ([Filing No. 54](#)). Plaintiff requests that the Court set a hearing to order the defendants to produce certain documents. As previously outlined by the Court, this district’s local rules provide that, “No discovery may take place until [a] progression order is entered except upon motion and order.” NECivR 16.1(c)(2); see also *Brown v. Dep’t of Health & Human Servs.*, No. 8:16CV377, 2017 WL 1533386, at \*3 (D. Neb. Apr. 26, 2017)(“[D]efendants should not have served any discovery requests until the progression order was entered[.]”); *Hillard v. Windstream Commc’ns*, No. 8:10CV52, 2010 WL 1927970, at \*1 (D. Neb. May 11, 2010)(“Defendants have not yet filed an answer and no progression order has been entered in this matter. Thus, in accordance with the court’s Local Rules, no discovery may take place in this matter and no protective order is necessary.”). At this time, the defendants have filed motions to dismiss Plaintiff’s Amended Complaint, which motions remain pending before the district judge. Because no defendant has filed an answer and no progression order has been entered, no discovery may take place without a court order. If the defendants’ motions are denied, the Court will enter an order permitting discovery to commence. Until that time, however, the defendants are not obligated to respond to the plaintiff’s discovery requests. Accordingly,

**IT IS ORDERED:** Plaintiff’s Motion to Request Hearing for Production of Documents ([Filing No. 54](#)) is denied.

Dated this 19<sup>th</sup> day of September, 2019.

BY THE COURT:

s./Michael D. Nelson  
United States Magistrate Judge